

SENIORS VOTE TO SHUN EXERCISES

Refuse to Attend Joint Commencement With the Normals.

SITUATION SEEMS SERIOUS

WILL NOT RECEIVE DIPLOMAS UNLESS ONE SIDE GIVES WAY.

MAY BOYCOTT NORMALS.

A movement is on foot to form a "U" club, which is to consist only of graduates from the college courses at the university. This club will be separate from the University of Utah Alumni, and its purpose is to bar normals who are allowed in the alumni. The movement is taking hold among many of the graduates, and its organization will soon be perfected, it is said. This an outgrowth of the feeling engendered by the agitation for separate commencement.

The college seniors of the university reiterated their position yesterday on separate commencement. The action was taken after an explanation was made that the board of regents at a special meeting Saturday passed a resolution making attendance at commencement a requisite for graduation. The fact that the seniors have declared themselves of the same mind after the action of the regents, makes this long-winded fight still more serious.

At the meeting yesterday twenty-seven students who expect to take degrees this spring were present. The meeting was called to order at 12 o'clock, and was not adjourned until after 2. It was one of the hottest meetings ever held by any organization at the university. Every student present figured in the discussion, and it was found necessary to limit the time of the speakers. After a red-hot debate between the champions of both sides, the roll was called. Twelve voted to attend the exercises and thirteen to stay away. Two were excused from voting.

May Stand Together.

Those who voted to back up the decision reached by the class a month ago are emphatic in their attitude. Several of those who voted against it said they would abide by the decision of the majority and refuse to attend commencement. Those who were absent were equally divided on both sides, so their vote would make no difference.

As the matter rests at the present, those who do not attend commencement will not receive diplomas, unless the regents recall the resolutions passed in Saturday's meeting. This, however, will not decrease the ability and standing of the graduates, he has completed his work with a passing grade and the diploma merely certifies this.

Business men of the city have said that they would employ a man of the '07 class without a diploma as readily as with one. The seniors are said to be getting sympathy from these quarters, and this has made them more determined in their stand.

An effort will be made by the minority to have the measure reconsidered, but it is not thought possible that they will be able to put the matter through. Every precaution was made yesterday to keep the proceedings secret until commencement.

Engineers Responsible.

The division in the class is on arts and engineering lines, the arts being the ones who weakened and the engineers the ones who still hold out. With two exceptions all of the arts voted to go to commencement. The two arts who confirmed the original action of the class were girls. The engineers have fathered the movement throughout, and they are determined to push it through. Among those who voted to stay away are some of the most prominent students in the school. They have held important student positions, and have been leaders in all student activities.

Much discussion has arisen as to the legality of the regent's action, though there are three prominent attorneys on the board. The statute says: "The university may confer degrees upon students who have satisfactorily completed any of its prescribed courses of study."

BROADWAY TO BE PAVED.

Asphalt Will Be Laid in Adjacent Alleys Also.

Estimates are being made for paving Broadway and alleys leading to it. Owners of property in the neighborhood have agreed on a plan that provides for the laying of asphalt in the street and along the sides and rear of buildings abutting on alleys. The alleys on both sides of the building of the Bell Telephone company and the large open space in the rear of the building will be covered with asphalt. The work is to begin as soon as the grades have been fixed and other necessary details arranged.

THE SAFE KEEPING OF VALUABLES

Open windows tempt thieves—our Safe Deposit and storage vaults protect valuables from loss by theft or fire. Less than 2 cents a day buys the protection of either.

SALT LAKE SECURITY AND TRUST CO.
SECURITY & TRUST 32-34 MAIN ST.

FINAL EFFORT TO TRY CHIEF FAILS

Armstrong Refuses to Make Order Admitting a New Information.

NOTORIOUS CASE IS ENDED

ERRORS OF PROSECUTION PREVENT A JURY TRIAL.

The last hope of the prosecution to get the Sheets case before a jury was destroyed yesterday afternoon by Judge George G. Armstrong of the district court, who declined to grant an order permitting the district attorney to file new information against Chief of Police George A. Sheets on the charge of criminal conspiracy. The effort to get the case into court under new information which, it was maintained, would overcome the objectionable features of the information which was originally filed and quashed for lack of evidence of its errors, was made by District Attorney Looftbourou after it was discovered that the order quashing the information was not appealable.

District Attorney Looftbourou contended that it was within the discretion of the court to direct that a new information be filed against the defendant and that unless it made such an order no further proceedings could be had. The motion asking the court to make this order was filed Monday afternoon and the arguments made on the motion yesterday afternoon. District Attorney Looftbourou and Attorney General M. A. Breiden presented the prosecution's side of the discussion, while Attorney E. A. Wedgwood for Chief Sheets argued against the motion.

Looftbourou's Argument.

Mr. Looftbourou, in the course of his argument in favor of the granting of the motion, said that since no final order had been made releasing Chief Sheets from his personal recognizance which required him to appear in court at any time he was still within the jurisdiction of the court. He said that it was within the power of the court to grant the motion and that if it were granted would give the state the opportunity to contract to the action in the first information. These errors, he said, could be avoided by omitting the overt acts which made the conspiracy charge merge with a felony.

Attorney Wedgwood replied to the argument by saying that if the pleadings in the lower court were correct the information the district attorney said he would file would stop short of the facts alleged to be true.

"Unless the court has changed its mind," said Mr. Wedgwood, "with reference to the question involved in this case, the result in the end will be the same as it was in the first place. This action, brought under the guise of a misdemeanor, in reality charges a heinous offense. The defendant was bound over to the district court on a charge of conspiracy and not on a felony. The court has ruled on that point and dismissed the action. Any new information that may be filed by the state cannot change the facts in the case, no matter what it eliminates. Sheets is either guilty of a felony or he is guilty of nothing."

Would Raise Same Point.

"When the case came to trial in this court, if this motion were granted, the same point would be brought out in the testimony and this question would again be raised. It becomes a question of law and policy. Is this court to conduct an experiment at the expense of \$5,000 and dismiss the case with the prospect that the only result can be a dismissal?"

Continuing he said that the district attorney had as much power to file an information now as he would have should the court grant his motion, but that for some reason an effort was apparently being made to have the responsibility for bringing the case before a jury, only to dismiss it later, upon the point.

Attorney General Breiden said that in his opinion this was a somewhat novel proceeding, since it amounted to asking the counsel for the defense his permission to go ahead and try his client. He said that the attorneys for the defense had cunningly secured the dismissal of the case in the first instance not because of the merits of the case but because of imperfections in the pleadings which the state now proposed to remedy.

It is this point the court interrupted to ask the attorney general why an information had not been submitted to the court in the first place. He said that he knew more intelligently what course the prosecution was attempting to pursue. Major Breiden said that he did not think that it would be necessary, because by so doing it would put the operation of the law in question and the facts which the state proposed to prove.

Armstrong's Ruling.

It was suggested by Mr. Wedgwood that the court be given transcript of the evidence submitted in the lower court in order that he might know the nature of the testimony that would likely be taken if the case came to trial in the district court. The court, however, did not desire to be enlightened further and without hesitation gave this ruling on the matter: "As far as looking into the transcript of the testimony from the lower court is concerned, the court has not been informed as to the details or facts upon which this information is based, by the district attorney, and there are other facts before the court, and the court has not been informed of any additional facts or additional circumstances, and hence the court would have to consider it from exactly the same point of view as the other hearing. There has been no additional information given to the court."

"This is a bald request, and the court will not make an order permitting the district attorney to file the same kind of an information which it has quashed. There is no request, no suggestion before the court that there will be any other kind of an information filed at all. The court has given every opportunity for suggestion as to what kind of an information the district attorney desires to file. If it is to be just this same matter this court by its order would not permit it by simply an elimination of part of it."

Refuses to Experiment.

"The court at the other hearing was informed by the district attorney that what amounted to the same thing would be practically brought out at the trial. It would simply mean, if the court authorized the state to go ahead with an abbreviated information, that at the middle of the trial, in my opinion, the case would get exactly in the same position that has already been presented."

"I don't contend here that I could file

an information charging any different crime," said Mr. Looftbourou. "It would have to be criminal conspiracy. I don't contend, as was inferred by Mr. Wedgwood, that I could file an information charging a felony. I don't contend that at all. I simply contend that Mr. Wedgwood's position would concede that. It would have to be criminal conspiracy."

"I will not make an order which would put this state to the expense of expending a jury in this case and then arrive at the same position that the court has already ruled on," said Judge Armstrong. "I haven't changed my mind as to what my view of the law is. If that matter comes up again it would get exactly the same ruling under the same conditions. If these same conditions would be inevitable under this testimony, it would be simply the court saying 'go ahead and experiment. See how far you can get.' I will decline to make the order."

LOCAL BRIEFS

LEAVES SEVEN CHILDREN.—Mrs. Farabach died yesterday at Murray pneumonia. She was a widow and is survived by seven children.

COTTON PILLS BOND.—Joseph W. Cottle, recently appointed superintendent of the county infirmary, yesterday filed bond for \$1,000 with the county clerk.

NELSON RE-ENTERED.—A. C. Nelson, recently released from the Nevada state reformatory, returned from Price yesterday, where he attended the commencement exercises.

OFF FOR EUROPE.—Nath Rosenbaum and Fred J. Rieger left yesterday morning for an extended trip abroad. They will visit France, Germany and England, and will be gone six months.

RINK WILL CLOSE.—The Auditorium skating rink will close for the season after tonight. During the time the rink is closed a number of repairs and improvements will be made. The floor will be extended 100 feet north.

CUTLER DINNER PARTY.—Mr. and Mrs. John C. Cutler Jr., entertained at dinner party on Monday evening at their home on E street. Covers were laid for twenty-six. The table was decorated in red and white.

HELD UP AND ROBBED.—Ernest Simmons, who gave his address as 156 West Second street, was held up and robbed by two men last night on West Temple near North Temple street. The robbers secured \$5,000.

TAX SALE BEGUN.—The annual auction sale of property for delinquent taxes was held on the west steps of the city and county building yesterday noon by J. U. Eldredge Jr., county clerk. Only a few of the 600 tracts were sold.

NEIL ANDERSON ILL.—Neil Anderson, formerly of Utah, who recently went to Goldfield with the Nevada Goldfield Reduction company, is critically ill in the Goldfield hospital of appendicitis. In response to a telegram, Anderson, now Moore, left for Goldfield Monday morning.

WESTMINSTER COMMENCEMENT.—The commencement exercises of the Westminster college will take place in the college chapel, Eleventh East and Eleventh South streets at 8 o'clock Friday evening. The exercises will conclude with an address by Rev. Herbert E. Mays on the "Class of College Education."

WILL ADDRESS SOCIETY.—The Sons of Wales society will meet Friday evening at the Commercial club. The program will be musical and literary in character, and a general invitation to all interested is extended by the officers and members. The features will be an address by Fisher Harris on "The Welsh in America," and vocal and instrumental music by well-known local musicians.

AMUSEMENTS

"The Merry Milkmaids" will be presented by members of the normal class at the university at the Salt Lake theatre this evening.

"The Cowboy and the Lady" went to big business at 8 o'clock last night, the performance throughout being even better than the opening night. There will be a matinee today with a special matinee for tomorrow and management announces that throughout the season Sunday night performances will be in order. The bill will be changed every Monday night.

Players who have witnessed the sensational ride of Miss Laura Frankfield as Cigarette in "Under Two Flags," at the Salt Lake theatre, will be given at the Grand next week.

The vaudeville show at the Lyric this week continues to please good audiences.

CONCERT IS ENJOYED.

Large Audience Present at Unity Entertainment.

The concert given at Unity hall last evening by the Unity quartette was attended by a large audience. The quartette consisted of four singers, Mrs. Bessie Browning, Miss Lila Smith, A. G. Mahan and Joseph Poll, who sang "The Old Sweet Song" and "Good Night, Beloved." The last being the closing number. Mrs. Browning's solo, "Classical's 'Elcy,' was greatly enjoyed, as was also Mr. Poll's "Night Bird's Song," and Miss Smith's "Haunts of Witches." A violin solo was given by Asher Cowan and piano and saxophone numbers by Gordon Barrett and C. G. Perry. Miss Edith Schmidt was the accompanist. Two readings were given, one by Mrs. Frank Larsen and one by Sidney Chalker.

SALT LAKE PERISHED.

John Weiss, Prospector, Burned to Death at Lovelock, Nev.

A special dispatch says the man burned to death in the fire which took place at Lovelock, Nev., early Monday morning, was John Weiss, a mining prospector. Mrs. Charles Weiss, who was also burned, will, it is feared, succumb to her injuries.

PERFECTION, POLISHED, SLIVERLESS, TOOTH PICKS.

All the name indicates. They are also 25c a Box.

Not a cheap article, but worth the price.

SCHRAMM'S

Where the Cars stop.

MAYOR HOLDS UP NEW ORDINANCE

Believes Council Has Given City Engineer Too Many Duties.

STANDS BY JAKE RALEIGH

PLAN TO DIVEST STREET SUPERINTENDENT OF POWER.

Mayor Thompson yesterday administered a rebuff to the council when he held up the ordinance passed Monday evening giving additional powers to the city engineer and defining his duties in respect to carrying out the procedure made necessary by the new laws in regard to public improvements. The mayor declares that the council has taken away from the board of public works and street superintendent some of the powers conferred on them by statute. For a long time this is the second time that the mayor has held up ordinances declared legal by the city attorney and on the former occasion the mayor's ruling was acknowledged to be correct. That was in the matter of the reversion of liquor licenses to druggists outside the business district. In this matter also it is thought that the council will have to back water.

What Is Provided For.

The provision complained of by the mayor gives the engineer power to locate the lines and siting of all streets and sidewalks, alleys or avenues or other public works, and to determine the position and siting of all sewers, waterworks, irrigation or drainage canals, reservoirs, culverts, aqueducts, bridges, viaducts or other public works. He is also to see that all contract or other work is performed in a workmanlike manner and in accordance with the specifications.

Would Make Black Boss.

If this ordinance should be carried out it would practically strip the board of public works of its inspection authority and would take away many of the powers of the street superintendent. In a word, it would place the entire matter of public work in the hands of the engineer and T. R. Black, chairman of the engineering committee of the council. For a long time Black has been wanting to be the "boss" of this work because of the immense patronage it affords, but it was thought that he would introduce an ordinance consolidating the offices of street superintendent and city engineer, and would not go so far as to try to take away from the board of works some of its powers. Black is not and never has been on friendly terms with the board of works, and at every opportunity that presents itself he scores that body on the city job. The ordinance passed Monday evening was presented by Councilman Ferry, together with a number of other ordinances affecting public works. He is also to see that all contract or other work is performed in a workmanlike manner and in accordance with the specifications.

No Love Is Lost.

Ever since the present administration began trying to govern the city the engineer and the street superintendent have been at odds. Kelsey, for one thing, believes that all streets should be graded nearly level, and Raleigh believes that they should all be graded with a crown in the center. All the grading and leveling is in Raleigh's charge, and as a result he will not accept stakes from the engineer, but goes ahead and grades as he pleases. While Kelsey is the boss of this work, and could carry out his own plans notwithstanding Raleigh's back, the mayor Thompson is known to be more friendly to Raleigh than to Kelsey, and he is likely to stick up for the street superintendent through thick and thin. For this reason, among others, he doesn't want the ordinance to become a law.

Would Hamper Board.

In regard to the board of public works, it is always had the power to inspect all contract work and has employed a chief inspector and a number of assistants. If this ordinance is approved, the board of works will be divested of one of its most useful prerogatives, and will be left with no power to do but to open bids and award contracts for the council to approve. The mayor would like to see the powers of the board of public works extended instead of curtailed, and he believes that it is a more competent body than the council. The mayor also has been at odds with the Councilman Black, and does not approve of his being made the "big boss" in the council.

Although the mayor has reserved a decision on the ordinance, he has not yet to it, and one of the measures calculated to expedite public work will be by the board by the council to approve. What will become of the others remains to be seen.

FOR SALE.

Furnished House.

On "H," near Brigham. Fine house (pressed brick), fine deep lot, lawn back and front. Call on E. F. Colborn. Ready to move into. Cost \$10,500; market down to \$9,000, part cash. This is a real bargain.

E. F. COLBORN, 75 W. 24 St. Both phones 953.

S. D. Evans.

Undertaker and embalmer, removed to new location, 48 South State street.

THE NEW REMEDY.

Take It Now That Vacation Days Are Fast Approaching.

Thousands of men and women are anxiously looking forward to the vacation days that come in June, July and August—not so much for the pleasure or enjoyment as for the chance of getting rid of their ill health.

To thoroughly drive away troubles of the stomach most people think they have to make a business of it with dieting, exercise, and perhaps a vacation.

But Mi-o-na stomach tablets taken with regularity in a very few days will drive away indigestion, dizziness, distress after eating, headaches, sleeplessness, and the many other symptoms of bad digestion and sluggishness of the digestive organs that keep people from enjoying themselves.

Day after day, at work behind desks or in the factory with poor sunlight and air, soon results in sluggishness of the entire physical and mental apparatus. The first slight symptoms of indigestion can be easily cured, but when they are allowed to increase without any help, then the stomach complaints become hard to shake off.

Strengthen the whole digestive system with Mi-o-na and you will soon find that both stomach and bowels do their work as they should.

E. C. Schramm sells Mi-o-na in 50-cent boxes and guarantees to refund the money if the remedy does not give complete satisfaction.

For sale by E. C. Schramm, corner First South and Main streets. "Where the cars stop."

LOWER COURT TWICE REVERSED

State's Highest Tribunal Defines Where Adverse Possession Commences.

TAX SALE WAS INVOLVED

LAND TRANSACTION ALSO SUBJECT OF OPINION.

The supreme court yesterday decided that adverse possession in tax sales of property does not commence until the four-year redemption period has expired and the tax deed issued. The case was that of the Salt Lake Investment company, respondent, against Jesse W. Fox, appellant, and the judgment of the lower court was reversed and a new trial granted.

It appears from the facts that the property in question was purchased at a tax sale in 1886 by M. C. Moon and then sold to plaintiff, who took possession in 1897, but no tax deed was issued until the following year. The lower court decided that the plaintiff had held adverse possession for the statutory period of seven years.

The supreme court, however, in the opinion written by Chief Justice McCarty, holds that the adverse possession did not begin until 1888, when the tax deed was issued, and the holding of property purchased at a tax sale without a tax deed held not to be adverse possession. Justices Stroup and Frick concurred in the opinion.

Plaintiff the Winner.

The supreme court also reversed the lower court in the case of P. J. Donovan, appellant, against A. Hanauer Jr., respondent. The action was based on an alleged breach of contract to purchase a mining claim. The plaintiff asserted that the defendant agreed to purchase the claim for \$1,000 or pay \$500 damages. He refused to do so, and the suit was brought. The defendant alleged that he refused to carry out the contract because a good title was not shown, and won in the lower court. The supreme court, however, holds that the plaintiff had made an offer to pay the claim, and the defendant's refusal to do so could not be a defense. The opinion was written by Justice Frick and concurred in by the other judges.

LIZZIE IS LET OFF.

Her Bruised Nose Enlists Sympathy of Court.

Elizabeth R. Parrott, who only a few days ago finished a term in the city jail for being drunk and who broke into jail about twice a month for the same offense, appeared before Judge Diehl yesterday afternoon and pleaded not guilty. She said, as she usually says when brought to court, that she fell into it and was not drunk. The court discharged her this time because she had a bruised nose, due to capsizing at the corner of Second and L streets and striking a stone while endeavoring to get home with her "rig."

E. Wilkinson was fined \$5 for riding his bicycle on the sidewalks within the restricted district. W. J. Dean forfeited a \$5 bail which he had furnished when arrested.

Mike Larkin was given thirty days for vagrancy. He was soliciting alms Monday afternoon and went into Young's restaurant and demanded something to eat and money. Upon being refused, he used profane language in the presence of ladies.

UTAH STRAWBERRIES HERE

Good Supply Expected in Market by Saturday.

Fine, rosy and ripe, the first of the Utah strawberries reached the local market Tuesday and met with a good sale at 20 cents a box. The receipts were by no means plentiful, but by Saturday it is announced that the Utah product will be coming into market in good shape and that by that time the price will drop to 20 cents a box.

The first of the Utah green peas came in yesterday and are selling at 15 cents a pound. The peas are of excellent quality and while the receipts were not large it is expected that from now on they will rapidly increase.

Raspberries and blackberries are now coming in from California in good shape. Yesterday's receipts were heavy and met with a good market. Both varieties sold for 20 cents a box. A shipment of pineapples also arrived during the day and sold for 35 cents each.

ELKS CONSIDER EXCURSION

Talk Over Matter of Sending Delegation to Philadelphia.

Details of the trip that is to be made by Utah Elks to Philadelphia in July, when the grand lodge of the order will meet in annual session, were discussed by 87 at a meeting last evening. It is assured that a large number of Elks will go, but the matter of sending an exhibit of the state's resources was not finally decided upon with reference to route and the like. The details of the excursion were left to be arranged by the committee that had charge of the affair up to this time.

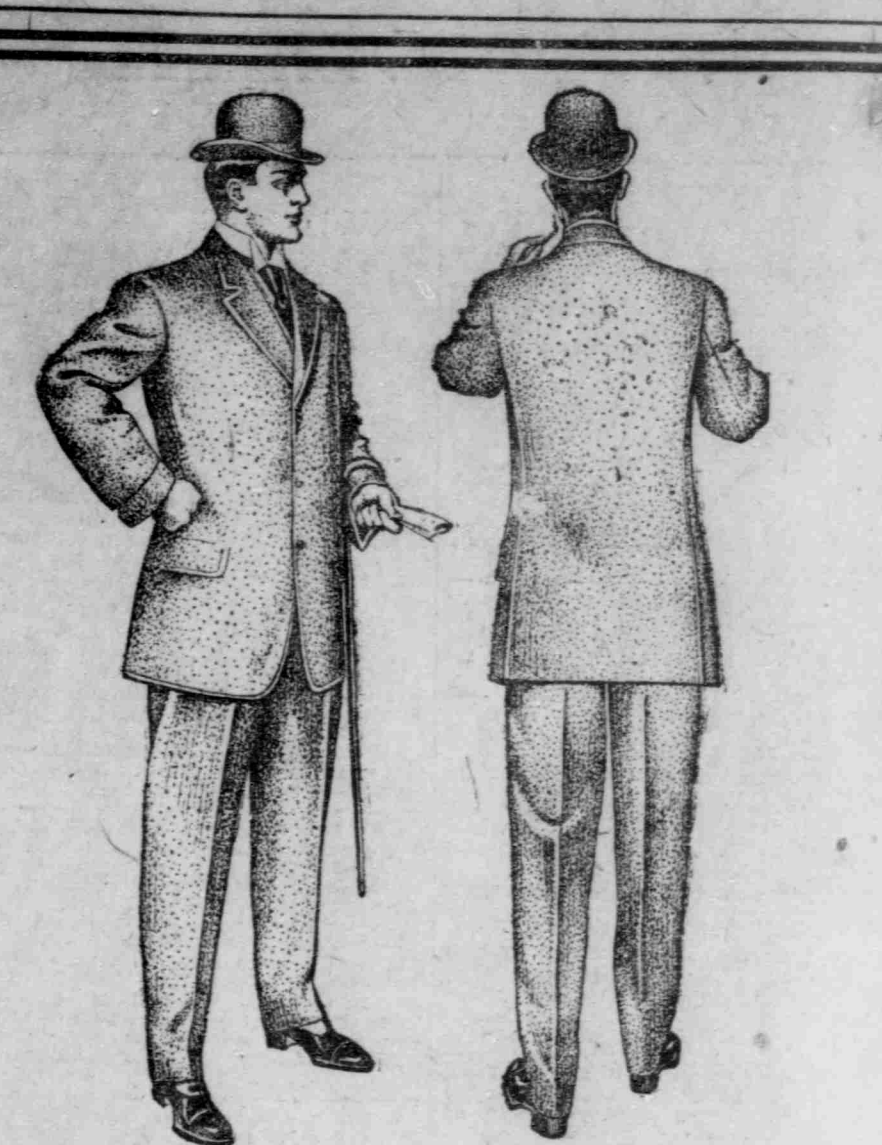
Bathing at Saltair is immense. Come out Thursday and enjoy it.

Get Your Lead at Glass Work Made at MORRISON, MERRILL & CO. 28 MAIN STREET.

WHOA! BACK UP

No use going farther when better material, workmanship and prices can be had on all kinds of LEADED and ART GLASS at

Morrison, Merrill & Co. 28 MAIN STREET. Bell, Exchange 9. Ind., 601.



Where Well Dressed Men Go Tomorrow, SIEGEL Clothes Will Be in Evidence

It is so on all occasions that call for perfection in Men's apparel. The Siegel kind is distinguishable by elegance of fit associated with becoming cut and all the other attributes of the Tailor's Masterpiece.

Your choice of our suit lines, \$15.00 to \$42.50, will put you among the best dressers of your set tomorrow and every day this summer.

Siegel's

228-230 MAIN.

"These are my jewels!"

Said a famed Roman matron, referring to her sons. Jewels need a setting, and the best setting for jewels of this kind is a home of your own. We sell them, for cash or on installments.

Here are a few samples from our list:

\$100 down; balance easy; four rooms and summer kitchen; brick. Within call distance of railroad. \$2,100—Just a step from Main street, east; 5-room brick; \$500 down.

\$2,500—Country home, south, not far from car; 6-room pressed brick; 2.25 acres ground.

\$2,500—Fine neighborhood, east; 6-room adobe-lined frame.

\$3,000—East side, high ground; 4-room modern, pressed brick. Terms.

\$3,500—East side, on car; 5-room modern pressed brick. New. Terms.

\$4,000—Near Liberty park; 10-room, thoroughly built, modern, pressed brick house.

\$5,500—Southeast, not far; 8-room, thoroughly modern, white pressed brick house. Lot 60x150 feet.

\$6,500—North bench, walking distance; 9-room modern white pressed brick, with barn; 60x150 feet.

But why go on with specifications, when it is becoming so well recognized that we have the best list in the city? We have all of kinds up to \$60,000, and we have investment propositions paying 7 to 10 per cent.

To vacant lots we have so many good things we won't try to tell you about them in this ad. We'll barely mention \$950, overlooking the valley from Capitol Hill; \$1,500 for three rods front on Fifth, near L; \$1,850, 3-1-3 rod corner, Third and L; \$2,150 for 7 1/2 rods facing University; \$2,200 for 2 1/2 rods on First, near D; \$2,500 for 3 1/2 rods on north side of First South; \$2,500 for 5x10 rods on K, near Fourth; \$3,150 for quarter block on H street; \$3,500 for 4 1/2 rods on Fourth East, near First South; \$3,900 for 10x10-rod corner, Fourth East and Fifth South.

STOWE & PALMER

Howard S. Stowe. Eugene B. Palmer.

The Realty Men

REAL ESTATE LOANS INSURANCE

58 W. Second South St. Both Phones 4044.

"YOU CAN'T KEEP A GOOD TOWN DOWN."

The Holiday box of candy generally calls for something extraordinary.

There is a suggestion for you when buying the Decoration Day token.

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